

OFFICE OF THE MONITOR
NUNEZ, ET AL. V. CITY OF NEW YORK, ET AL.

Steve J. Martin
Monitor

Anna E. Friedberg
Deputy Monitor

135 West 41st Street, 5th Floor
New York, NY 10036
+1 646 895 6567 | afriedberg@tillidgroup.com

April 18, 2018

VIA ECF

The Honorable Laura T. Swain
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10006

Re: Nunez, et al. v. City of New York, et al., 11-cv-5845 (LTS) (JCF)

Dear Judge Swain,

We write to respectfully recommend an extension of the deadline in the *Nunez* Consent Judgment (dkt. 249) regarding the deployment of the Crisis Intervention and Conflict Resolution Training to May 31, 2019, as set forth in the chart below. The Department has recently completed the deployment of four days of Special Tactics and Responsible Techniques (“S.T.A.R.T.”) training to over 10,000 Staff. With the completion of S.T.A.R.T. training, the Department is initiating the next phase: Advanced Correctional Techniques (“A.C.T.”) training, comprised of three days of Crisis Intervention and Conflict Resolution Training and one day of Use of Force Policy and Defensive Tactics refresher trainings (which are each a half day). The Department has started to deploy A.C.T. training to Staff and it is expected to be completed in May 2019. The projected time frame to complete A.C.T. training, approximately 16 months, is similar to the time required to deploy S.T.A.R.T. training to all Staff. Given the similar considerations to the deployment of S.T.A.R.T. training—the number of Staff who require the training (approximately 10,000 uniformed Staff), the number of days for the training, the logistics for providing such training (and the need to cover those posts while Staff receive the training), as well as ensuring other required training is provided—16 months is a reasonable time frame.

Consent Judgment Provision	Description of Provision	Current Deadline	Recommended Extension of Time
Section XIII (Training), ¶ 1(b)(ii)	Crisis Intervention and Conflict Resolution Training	Within 26 months of the Effective Date.	May 31, 2019

The last column in the chart above identifies the proposed extension of time for the provision that we respectfully request your Honor approve and order. This is the sixth request to modify certain provisions of the Consent Judgment.¹ We have discussed the proposed extension with the Parties and they do not object to the Monitor's recommendation.

Please do not hesitate to reach out if you have any questions or require any further information.

Sincerely,

s/ Steve J. Martin

Steve J. Martin, Monitor

Anna E. Friedberg, Deputy Monitor

¹ See Appendix A, which provides a summary of the Court ordered modifications to the Consent Judgment.

**Chart of Modifications to
Nunez Consent Judgment (Dkt. No. 249)**

Docket Entry	Date	Description of Modification Order			
261	11/23/15	Effective Date set as November 1, 2015.			
266	01/05/16	Modification of certain deadlines.			
		Consent Judgment Provision	Description of Provision	Original Deadline²	Revised Deadline
		Section V ¶ 21	Use of Force Reporting and Tracking -- Department to develop definitions for categories of institutional violence data	60 Days from Effective Date	Additional 30 Days
		Section XIII ¶ 1	Training --Department to develop new staff training programs (Use of Force policy, Crisis Intervention, Probe Team)	60 Days from Effective Date	Additional 60 days
		Section XIII ¶ 2	Training --Department to improve staff training (Defensive Tactics, Cell Extraction Team, and Investigator)	60 Days from Effective Date	Additional 60 days
		Section XIII ¶ 4	Training --Department to develop new Direct Supervision staff training	60 Days from Effective Date	Additional 60 days
		Section XVI ¶ 3	Inmate Discipline --Department to develop and implement an incentive system for inmates under 18	60 Days from Effective Date	Additional 30 Days
		Section XVI ¶ 4	Inmate Discipline --Department to develop and implement a disciplinary system for inmates under 18	60 Days from Effective Date	Additional 30 Days
268	03/04/16	Additional month for the Second and Third Monitoring Period.			
297	4/4/17	Modification of certain deadlines.			
		Consent Judgment Provision	Description of Provision	Original Deadline³	Revised Deadline
		Section XIII (Training), ¶ 1(c)	Probe Team Training – Deployment of Probe Team Training to all Staff Members assigned to work regularly at any Intake Post.	Within 12 months of the Effective Date	December 31, 2017

² The Effective Date of the Consent Judgment is November 1, 2015. (Docket Entry 260)

³ The Effective Date of the Consent Judgment is November 1, 2015. (Docket Entry 260)

Docket Entry	Date	Description of Modification Order			
		Section XIII (Training), ¶ 2(b)	Cell Extraction Team Training – Deployment of the Cell Extraction Team Training to all Staff Members regularly assigned to Special Units with cell housing.	Within 12 months of the Effective Date	December 31, 2017
		Section XIII (Training), ¶ 4(b)	Direct Supervision Training – Deployment of the Direct Supervision Training to all Staff Members assigned to work regularly in Young Inmate Housing Areas.	Within 9 months of the Effective Date	April 30, 2018
		Section V (Use of Force Reporting & Tracking), ¶ 18 Section X (Risk Management), ¶ 16	Case Management System – to be developed and implemented.	December 1, 2016	<i>Develop:</i> August 31, 2017 <i>Implement:</i> December 31, 2017
303	8/11/17	Modification to the calculation of timing of Compliance and Monitor's Report - §XIX. (Reporting Requirements and Parties' Right of Access), ¶¶ 1, 17			
		AND			
		Consent Judgment Provision	Description of Provision	Current Deadline⁴	Recommended Extension of Time
		Section IX (Video Surveillance), ¶ 2(a)	Body Worn Camera Pilot – Pilot of 100 body-worn cameras.	Within one (1) year of the Effective Date	October 10, 2017

⁴ The Effective Date of the Consent Judgment is November 1, 2015. (Docket Entry 260)